IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 28862 of 2006(S)

OP.4/2004 of FAMILY COURT, KANNUR
.....

PETITIONER:

K.SHABANA, D/O. LATE MAMMOO HAJI,
AGED 31 YEARS, W/O. MOIDEEN HUSSAIN,
HOUSE WIFE, PERMANENTLY RESIDING AT 'MUMTHAZ',
NEAR SAIDARPALLY, THALASSERY.

BY ADV. SRI.P.M. PAREETH
ADV. SMT.C.C. JANCY
ADV. SRI. MOHAMMED SHAMEEL

RESPONDENT:

THERUVATH KALLINGAL MOIDEEN HUSSAIN,
S/O. T.K.HUSSAIN, AGED 38 YEARS, TRADER, SAHARA,
SUPER SHOPPIE, NDA KADAKWASLA, PUNE-411 023,
TEMPORARILY RESIDING AT POONA HOUSE,
P.O.PERINGADI, KANNUR DISTRICT, PIN-673 312.

BY ADV. SRI.T.A.RAMADASAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) 28862 OF 2006

APPENDIX

PETITIONER'S EXHIBITS:

Ext. P1	:	TRUE PHOTOCOPY OF THE ORDER DATED 13.04.2004 IN I.A.NO. 12./04 IN O.P.NO. 4/2004 OF FAMILY COURT, KANNUR.
Ext. P2	:	TRUE PHOTOCOPY OF THE JUDGMENT DATED 27.05.2004 IN W.P.(C) 13642/2004 OF THIS HONOURABLE COURT.
Ext. P3	:	TRUE PHOTOCOPY OF THE JUDGMENT AND DECREE DATED 28.06.2004 TOGETHER WITH RAZI DATED 26.06.2004.
Ext. P4	:	TRUE PHOTOCOPY OF THE PSYCHOLOGICAL REPORT DATED 14.08.2006 ISSUED BY DR. E.D. JOSEPH, CLINICAL PSYCHOLOGIST OF DISTRICT HOSPITAL, KANNUR.

RESPONDENT'S EXHIBITS:

Ext. R1(a)	:	TRUE COPY OF THE ORDER IN I.A. 340/05 IN O.P.NO. 4/2004 OF THE FAMILY COURT, KANNUR.

/true copy/

P.A. TO JUDGE

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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W.P.(C)No. 28862 OF 2006

.....

Dated this the 1st March, 2007

J U D G M E N T

Kurian Joseph, J:

Writ Petition is filed praying for modification of the decree passed by the Family Court . Issue pertains to the interim custody of the minor children of the petitioner and the respondent. It is seen that Ext. P3 decree was passed based on the compromise arrived at between the parties.

2. It is submitted that the compromise arrived at is now turned out to be counter productive. In the above circumstance, the petitioner is free to move the Family Court for appropriate reliefs . Petitioner apprehends delay in getting further orders from the Family Court . It is for the petitioner to approach the Family Court itself for expeditious disposal of the matter in view of the urgency involved in the case.

Writ Petition is disposed of as above.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

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